

E-FILING

## United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2007 AUG 24 A 9:14

UNITED STATES OF AMERICA

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S. J.

V.

## CRIMINAL COMPLAINT

Miguel VALDEZ-Zarco

(Name and Address of Defendant)

CASE NUMBER: 07-70501-HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 21, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

8/24/07  
Date

at

San Jose, California

City and State

Howard R. Lloyd  
United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

**RE:** VALDEZ-Zarco, Miguel A78 054 054

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. VALDEZ-Zarco is a 47-year-old male who has used seven (7) aliases and one (1) date of birth in the past.
- (2) Mr. VALDEZ-Zarco has been assigned one (1) Alien Registration number of A78 054 054, FBI number of 382307EB1, California Criminal Information Index number of A11649501, and a Santa Clara County Personal File Number of CNL907.
- (3) Mr. VALDEZ-Zarco is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on one (1) occasion from the United States:

**DATE**

May 25, 2000

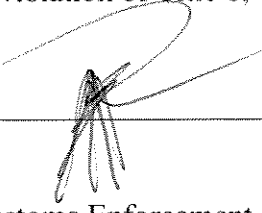
**PLACE OF DEPORTATION**

San Ysidro, CA

- (4) Mr. VALDEZ-Zarco last entered the United States at or near San Ysidro, CA on or after May 25, 2000, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. VALDEZ-Zarco on a date unknown, but no later than August 21, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrest and deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On August 21, 2007, Mr. VALDEZ-Zarco was interviewed by Deportation Officer John Martinez at the ICE Office, San Francisco, CA, and during that interview, Mr. VALDEZ-Zarco was advised of his **Miranda** rights in Spanish. Mr. VALDEZ-Zarco waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. VALDEZ-Zarco was, on December 17, 1996, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of ANNOYING OR MOLESTING A CHILD, a misdemeanor, in violation of Section 647.6(a) of the California Penal Code, and was sentenced to thirty (30) days in jail.

**RE:** VALDEZ-Zarco, Miguel A78 054 054

- (7) Mr. VALDEZ-Zarco was, on May 29, 1997, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of BATTERY, a misdemeanor, in violation of Section 242/243(a) of the California Penal Code, and was sentenced to twenty (20) days in jail.
- (8) Mr. VALDEZ-Zarco was, on December 1, 1999, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION OF CONTROLLED SUBSTANCE (case# C9888449), a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to one hundred twenty (120) days in jail.
- (9) Mr. VALDEZ-Zarco was, on December 1, 1999, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT (case# C9945387), a misdemeanor, in violation of Section 273.5(a) of the California Penal Code, and was sentenced to one hundred twenty (120) days in jail.
- (10) Mr. VALDEZ-Zarco was, on September 21, 2000, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of FAIL TO REGISTER AS A SEX OFFENDER, a misdemeanor, in violation of Section 290(g)(1) of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (11) Mr. VALDEZ-Zarco was, on August 2, 2001, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of FAIL TO REGISTER AS A SEX OFFENDER, a felony, in violation of Section 290(g)(1) of the California Penal Code, and was sentenced to six (6) months in jail.
- (12) On the basis of the above information, there is probable cause to believe that Mr. VALDEZ-Zarco illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24 day of August, 2007

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE